REMARKS

Claims 1-27 are currently pending in the application, and are subject to a restriction/election requirement. In particular, the Examiner has found that the claims are directed to the following patentably distinct inventions: claims 1-12 (group I) and claims 13-27 (group II). The Examiner has requested under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner further opined that no claim is generic.

Applicants respectfully traverse the Examiner's requirement for election, and submit that the claims are not in fact patentably distinct. The Examiner has alleged that the two groups of claims would require prior art searches in different classes, and in particular that the group II claims will require searching in class 713, subclass 201, whereas group I would require searching in class 709, subclass 206, and that the searches for each respective group would not be required for the other group. Applicants respectfully disagree with this allegation.

Class 713 provides, within a computer or digital data processing system, for the following subject matter:

(A) Processes or apparatus for establishing original operating parameters or data for a computer or digital data processing system, such as, allocating extended or expanded memory, specifying device drivers, paths, files, buffers, disk management, etc.;

(B) Processes or apparatus for changing system settings or operational modes in a computer or digital data processing system after they have been set;

(C) Processes or apparatus for increasing a system's extension of protection of system hardware, software, or data from maliciously caused destruction, unauthorized modification, or unauthorized disclosure;

(D) Processes or apparatus for modifying or responding to the available power to a computer or digital data processing system or programmable calculator;

(E) Processes or apparatus for synchronization of two or more processors;

(F) Processes or apparatus wherein a clock or timing signals, timing pulses, or data associated with the control or regulation of any one or combination of processing components,

memory components, and peripheral components are caused to operate in synchronization;

(G) Processes or apparatus for generation, division, or distribution of clock signals, pulse signals, or timing signals in a computer or digital data processing system from one or more sources into groups of continuous and successive time increments, and including event timing and counting, and the correction of the clock signals, pulse signals, or timing signals;

(H) Processes or apparatus wherein there is a significant temporal, incremental or sequencing control provided to one or more computers, digital data processing systems, processors, memory, or peripherals, or to data transmission between these systems or components.

Subclass 201 adds subject matter further including means or steps for increasing a system's extension of protection of system hardware, software, or data from maliciously caused destruction, unauthorized modification, or unauthorized disclosure to or by an end user, and including means or steps for providing system security at network level.

There is absolutely no mention of electronic mail messaging in any of the subject matter definition of class 713, subclass 201. Class 709, subclass 206, on the other hand, clearly addresses "comprising means or steps for processing user data in response to a demand to transfer data between the computers (e.g., electronic mail messaging)" within the context of an electrical computer or digital data processing system or corresponding data processing method including apparatus or steps for transferring data or instruction information between a plurality of computers wherein the computers employ the data or instructions before or after transferring and the employing affects said transfer of data or instruction information, and further comprising means or steps for enabling collaborative processing of data by the computers or digital data processing systems.

Applicants thus disagree with the Examiner that the claims of group II, which are very specifically directed to an e-mail handling method and apparatus, do not require a search in class 709, subclass 206, whereas the claims of group I will require searching in precisely this class/subclass. Applicants thus respectfully request the Examiner to withdraw the present restriction requirement and to examine all pending claims on the merits, or else to kindly identify the exact subject matter defined within class 713, subclass 201, that he equates to the subject

matter of claims 13-27.

To comply with the requirements for a responsive reply, Applicants hereby provisionally elect, subject to the foregoing arguments, group I (claims 1-12) for prosecution on the merits if no generic claim is finally held to be allowable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

March 25, 2005
(Date of Transmission)

Mia Kim
(Name of Person Transmitting)
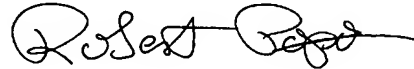
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